

REMARKS

Claim 1 was the sole independent claim and stands rejected under 35 U.S.C. § 103 as being unpatentable over Sato in view of Okumura. In order to expedite prosecution, Applicants' representative initiated a telephone interview with Examiner Fantu and Supervisory Examiner Eastom. Applicants and Applicants' representative would like to thank Examiner Fantu and Supervisory Examiner Eastom for their courtesy in conducting the interview and for their assistance in resolving issues. As a result of the interview, it was agreed that the enclosed amendment would be entered and would place the application in condition for allowance pending an updated prior art search. A summary of the interview discussion follows.

Solely in order to expedite issuance of the present application, claim 1 has been amended, without prejudice/disclaimer to the subject matter embodied thereby, to incorporate the feature recited in claim 10. Specifically, claim 1 now recites in pertinent part, “said battery pack being movable from the initial position to the fixing position in a direction different from the inserting direction.” In direct contrast, as shown in the transition from Figure 4A to 4B, the entire insertion and *connection* (as opposed to disconnection) movement of Sato is in only one direction. That is, the battery pack 12 of Sato moves in the *same* direction depicted by arrow “a” throughout the insertion/connection motion, beginning in Figure 4A and continuing until the connected state shown in Figure 4B.

Claim 9 recites in pertinent part, “said battery pack being rotatable *from the initial position to the fixing position*” (emphasis added). The Examiner alleged on page 4, line 13 of the outstanding Office Action that “the whole device is rotatable.” However, as discussed during the interview, the Examiner’s allegation in the Office Action is not relevant to the claimed subject matter. Specifically, even if the battery pack 12 of Sato can be construed as being

rotatable when the entire device as a whole is rotated, such a configuration does not read on the feature recited in claim 9. This is because the battery pack 12 of Sato is not rotatable *from the initial position to the fixing position*, noting that the *connection* between the alleged external terminal and discharge terminal is achieved at the fixing position. Rather, in Sato, the connection is made from the *sliding* movement shown in Figures 4A-4B. Accordingly, the battery pack 12 of Sato is not rotatable from the initial position to the connected fixing position, but is instead slidable from the alleged initial to fixing positions. Any rotatability of the device as a whole in Sato is not attributable to the battery pack's 12 motion from the alleged initial to fixing positions.

In view of the foregoing, it is respectfully submitted that neither Sato nor Okumura, alone or in combination, disclose or suggest the combination of features recited in claims 1 and 9. The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claims 1 and 9 because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set

forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 103 be withdrawn.

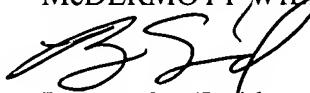
CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Ramyar M. Farid
Registration No. 46,692

**Please recognize our Customer No. 20277
as our correspondence address.**

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 RMF:MaM
Facsimile: 202.756.8087
Date: December 21, 2006